REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The above-requested amendment to independent claims 1 and 23 merely ensures there can be no unintended meaning. In particular, the recited "at least one component" that is configured to perform certain processes as stated must, of course, be one of the components earlier identified and described in the claim. It is not believed that there could be any doubt about this prior to the amendment and thus the amendment is not believed to add any "new issue" or the like and is properly enterable under the provisions of 37 C.F.R. § 1.116. Similarly, the amendments to independent method claim 16 are merely intended to make it more parallel to the comparable independent apparatus claim 1. Accordingly, this amendment is also not believed to introduce any "new issue".

The cancellation of claims 17-22 of course merely reduces the issues for appeal and is thus also properly enterable under the provisions of Rule 116.

Accordingly, entry of the above amendments under 37 C.F.R. § 1.116 is respectfully requested.

The rejection of claim 22 under 35 U.S.C. §101 is respectfully traversed. However, since claim 22 has been cancelled above without prejudice or disclaimer, this ground of rejection has been mooted and no further discussion is necessary.

The rejection of claims 1-24 under 35 U.S.C. §102 as allegedly anticipated by newly-cited Zollner '557 is respectfully traversed.

The applicants' claimed system requires each claimed component to produce status data from which the level of need for that component to be initialized can be inferred. As explained, for example, at page 1 of the applicants' specification and elsewhere, the need for a component to be initialized relates to faults or other statuses which imply that a particular component has a particular level of need to be re-initialized. For example, if the component has actually suffered a fault condition, then it may have a relatively high need to be initialized.

Applicants' claim also requires at least one of those same system components to be configured to receive status data from other components, to make a comparison between available status data and in dependence thereon, to select one or more components of the system for initialization and to issue initialization instructions to that selected one or more components.

By contrast, Zollner teaches only a rules-based prioritizing of various components of the system for use when the system is to be restarted. Zollner refers to this as a "restart sequence". A centralized network manager 128 determines the restart sequence for the entire system or subsystem based upon rules. For example, as explained in paragraph [0003] one rule may be based on transmit priority (e.g., a dispatch console may have a higher priority in the restart sequence than other devices).

At paragraph [0005] Zollner describes another possible rule as based on the numbers of communication devices or talk groups at various sites. At paragraph [0036], Zollner describes still other rules that may comprise determining priority sites or zones based on usage (e.g., voice traffic) at various sites. Thus, for example, a highest priority site may be determined as a site having the most voice traffic in a particular time period, etc.

It will be noted that none of the rules for determining a "restart sequence" involve any concurrent, collaborative monitoring between the various components where only selected components of a system or subsystem are re-initialized - - depending upon the relative, current dynamic need of that particular component to be re-initialized.

Instead, Zollner merely describes rules for determining a "restart sequence" for certain sites, zones, etc. after failures, system upgrades, etc. (e.g., see paragraph [0004]). This is a far cry from a collaborative sharing of status data from which a level of need for re-initialization of a particular component can be inferred - - followed by comparison and initialization instructions being issued to the selected components having the highest inferred level of need for re-initialization.

The Examiner refers particularly to paragraphs [0004], [0029], [0036] and [0042-0045] in Zollner to the effect that a "zone-controller (126)" receives status updates from other sites and/or communication devices, and from a comparison of those updates, determines a restart sequence for those sites/communication devices.

In fact, in Zollner's system, the "zone-controller (126)" is a separate "controlling" entity which receives information from all of the other components in the system, and controls the "restart" sequence for them, but it does not include itself as a component whose operation (and priority for restarts, in particular) needs to be monitored and/or controlled.

Contrary to this, with the invention as claimed, "each component is configured to produce status data from which the level of need for that component to be initialized can be inferred", and any one of the components itself can "take the initiative" and, having instructions to the/each component that it selects. Essentially, the system of applicants'' claim 1 acts as a "collaborative" system of components that does not rely on any centralized control in order to coordinate its initialization procedures.

Zollner does not teach or suggest a "collaborative" system such as that defined in claim 1, which is capable of coordinating procedures without placing any reliance on any form of centralized, predetermined or dedicated control entity. Systems according to claim 1 do not suffer from the disadvantages of systems such as those proposed in Zollner whereby the possibility of coordinating initialization procedures relies on a specific centralized, predetermined or dedicated control entity. If this fails, the possibility of prioritizing restart or initialization operations is lost, whereas with a system according to applicants' claim 1, this risk is removed. Further, due the collaborative

functionality of systems according to claim 1, such "self-management" is possible even with arbitrarily-sized groups of components.

The Examiner asserts that "usage" referred to at paragraph [0036] is the kind of status data from which the level of need for that component to be initialized can be inferred. The Examiner inserts a parenthetical remark that he assumes the higher the usage, the higher the level of need for the communication device to be initialized. However, Zollner merely teaches that the degree of usage (voice traffic) at a site might be utilized to prioritize its level within a restart sequence, the restart sequence itself only being initialized for certain sites/zones, etc. "after failures, system upgrades, etc." (e.g., see paragraph [0004]). This does not teach (or even suggest) that a particular component enjoying high "usage" is in need of initialization - - nor that such could even possibly be singled out for selected re-initialization instructions. That is, merely because a particular component is enjoying high "usage" does not appear to infer that such component has a current status which necessarily indicates a level of need for that component now to be initialized. Indeed, the component might be quite successfully handling its high "usage" and have no present need for initialization. According to Zollner, that merely means that if one is going to restart the entire system, that particular component should be ranked relatively higher in the "restart sequence". It has nothing to do with collaborative sharing of status information between components, the status

data shared, being such that a level of need for that component now to be initialized can be inferred from the status data.

The Examiner asserts a comparison inherently occurs in order to prioritize, citing to Zollner at [0044]. However, at best, this paragraph could only "inherently" relate to comparisons that are used in defining a "restart sequence" as explicitly stated thereat, a highest priority site would be a first site to be restarted while a second highest priority site would be the second site to be restarted, and so forth during a complete system restart sequence (e.g., after failures, system upgrades, etc. as noted in paragraph [0004]). This has nothing to do with sharing of status information between components of the system wherein at least one of those system components is itself configured to make comparisons and to select one or more components for initialization - - and then actually issue initialization instructions to the selected component.

To the contrary, Zollner teaches creating a prioritized restart sequence which is then implemented at a system controller level so as to restart an entire sequence of components in a particular order.

As to dependent claims 1-15, there is no need for further discussion at this time since, as a matter of law, it is impossible for a dependent claim to be anticipated when its parent claim 1 is clearly not anticipated. That is, to make out even a *prima facie* case of "anticipation", each and every limitation of each and every rejected claim must be found within the four corners of a single prior art document. Accordingly, it is not

necessary at this time to detail the additional deficiencies of Zollner with respect to other aspects of the rejected claims 1-15.

As to claims 16-24, the Examiner has not given any specific further reasoning but simply referred to the reasoning already set forth for claim 1. Accordingly, there is no additional even *prima facie* case of anticipation made out for these additional claims 16-24 and no further comment is therefore necessary at this time.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Larry S. Nixon/
Larry S. Nixon
Reg. No. 25,640

LSN:lef:sab

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100